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REMARKS

In the Office Action, claims 1, 20, and 23 are rejected under 35 U.S.C. §102(b) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over U.S. Patent Number 5,620,464 to Kroll.

In the Office Action, claims 2-6, 10-15, 19, 21, 22, 24, and 25 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Number 5,620,464 to Kroll.

In the Office Action, claims 7-9 and 16-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In response thereto, claim 23 has been cancelled, claims 1, 7, 8, 11, 16, 17, 20, and 24 have been amended, and new claims 25 and 26 have been added. Accordingly, claims 1-22 and 24-27 are now pending. Following is a discussion of the patentability of each of the pending claims.

Independent Claim 1

Claim 1 recites an implantable medical device comprising an implantable delivery device, a battery, a converter, and a controller. The converter is coupled to the battery and to the implantable delivery device wherein the converter comprises at least one bypass capacitor and a switching network. The at least one bypass capacitor is selectively connected to the battery via the switching network, and the at least one bypass capacitor is a high frequency filter having a capacitance in the microfarad range.

The Kroll et al. reference discloses an implantable cardioverter defibrillator device having a circuit to deliver multiple closely spaced defibrillation pulses to a heart. The circuit comprises a low power output primary defibrillator battery (70), a high power output intermediate power intensifying capacitor system (70), a switch for permitting the intermediate power intensifying capacitor system to rapidly charge a main energy delivery capacitor, and a main energy delivery capacitor (32).

The Kroll et al. reference does not disclose or suggest a circuit having a bypass capacitor. In the Kroll et al. reference, element 74 is a storage capacitor which provides

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stored energy to rapidly charge a main energy delivery capacitor. The storage capacity of element 74 is many orders of magnitude larger than the bypass capacitors. For example, element 74 has a capacitance rating of 1.5 farads (see column 6, line 10 of the Kroll et al. reference) whereas the range of capacitance for the bypass capacitors is in the microfarad range (see page 15, line 9 of the present application).

Accordingly, it is respectfully submitted that claim 1 is in condition for allowance.

Dependent Claims 2-6, 8-10, and 26

Claims 2-6, 8-10, and 26 depend from claim 1 and are similarly patentable. Accordingly, it is respectfully submitted that these claims are in condition for allowance.

Independent Claim 7

In the Office Action, claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, claim 7 has been rewritten in independent form including all of the limitations of base claim 1 and intervening claims 3-6. It is respectfully submitted that amended claim 7 is in condition for allowance.

Independent Claim 11

For at least the same reasons discussed previously with regards to claim 1, it is respectfully submitted that claim 11 is in condition for allowance.

Dependent Claims 12-15, 17-19, and 27

Claims 12-15, 17-19, and 27 depend from claim 11 and are similarly patentable. Accordingly, it is respectfully submitted that these claims are in condition for allowance.

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Independent Claim 16

In the Office Action, claim 16 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, claim 16 has been rewritten in independent form including all of the limitations of base claim 11 and intervening claims 12-15. It is respectfully submitted that amended claim 16 is in condition for allowance.

Independent Claim 20

For at least the same reason discussed previously with regards to claim 1, it is respectfully submitted that claim 20 is in condition for allowance.

Dependent Claims 21, 22, 24, and 25

Claims 21, 22, 24 and 25 depend from claim 20 and are similarly patentable. Accordingly, it is respectfully submitted that these claims are in condition for allowance.

CONCLUSION

In light of the above claim amendments and remarks, it is respectfully submitted that the application is in condition for allowance, and an early notice of allowance is requested.

Respectfully submitted,

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Date

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